



Kentucky Law Journal

Volume 16 | Issue 4

Article 4

1928

Editorials

Kentucky Law Journal

Follow this and additional works at: <https://uknowledge.uky.edu/klj>

Right click to open a feedback form in a new tab to let us know how this document benefits you.

Recommended Citation

Kentucky Law Journal (1928) "Editorials," *Kentucky Law Journal*: Vol. 16 : Iss. 4 , Article 4.

Available at: <https://uknowledge.uky.edu/klj/vol16/iss4/4>

This Comment is brought to you for free and open access by the Law Journals at UKnowledge. It has been accepted for inclusion in Kentucky Law Journal by an authorized editor of UKnowledge. For more information, please contact UKnowledge@lsv.uky.edu.

KENTUCKY LAW JOURNAL

VOL. XVI.

MAY, 1928.

No. 4

Published four times a year by the College of Law, University of Kentucky. Issued in November, January, March and May.

SUBSCRIPTION PRICE, \$2.50 PER YEAR.....65c PER NUMBER

PROFESSOR W. LEWIS ROBERTS.....Faculty Editor

COLVIN P. ROUSEEditor-in-Chief

GEORGE RAGLAND, JR.....Business Manager

CASE COMMENT DEPARTMENT

J. C. BURNETTE

ROY ROBERT RAY

BRADLEY COMBS

GILBERT L. BAILEY

WILLIAM C. SCOTT

HENRY CLAY COX

A. K. RIDOUT

R. B. BIRD

EDITORIALS

SUMMER SESSION OF 1928

The practice of offering courses in the summer school leading to the bachelor's degree in law, thus making it possible to reach the goal of graduation considerably earlier than could be done without attendance upon the summer session, has become well established. It is commonly felt that the period from early June until late September out of school, is too long a time for vacation from law study where it can be avoided.

In harmony with this general practice the University of Kentucky will offer courses in the summer school, so arranged that students in each year of the three years course, can be accommodated. The session consists of ten weeks, but is divided into two terms of five weeks each. For beginning students a course in Agency will be offered extending through the full ten weeks period. During the first term they will also take Personal Property, and during the second term they may take Domestic Relations.

For second and third year students Negotiable Instruments will be given both terms. During the first term they may also take Public Utilities and during the second term they may take in addition to Negotiable Instruments, a course in The Law of Oil and Gas.

Professor Roberts will offer the courses in Personal Property, Negotiable Instruments and the Law of Oil and Gas. Professor Chalkley will offer the courses in Agency, Public Utilities and Domestic Relations.

BAR ORGANIZATION IN KENTUCKY

At its last meeting held in Lexington April 5th and 6th, 1928, the Kentucky State Bar Association again went on record as being unanimously in favor of bar organization. It was voted to continue the efforts which have been made to secure the passage of the bill introduced in the House by Mr. Leon P. Lewis at the session of the General Assembly just ended, and for that purpose to conduct a campaign of education both among the people and the lawyers of the state.

The importance of this legislation has been well brought out in reports that have been made to the State Bar Association by the Committee appointed to prepare the bill, which committee was composed of leading lawyers of Kentucky. It is patterned after the model act which has been approved by various legal bodies, including the American Judicature Society. Similar laws have been successfully operating for several years in eight or nine other states, California and Virginia having been the latest to adopt them. In Canada, Great Britain and in continental Europe the bars have for a long time been organized either by statute or in the form of inns of court.

The general purpose of such organizations is to raise the requirements for admission to the bar, to regulate the practice of law so as to promote and enforce higher cultural and ethical ideals and to discipline or procure the disbarment of attorneys who shall have proven themselves unworthy. It integrates the profession by requiring every lawyer, upon being admitted to practice and upon paying a small license fee of two dollars to become a member of the organization. Greater influence and power for good are possible in such a body; also a higher responsibility with a wider range of constructive activity and increased usefulness to the bar, the public and the courts.

Some states have sought to accomplish organization through incorporation, but the bill drafted by the Kentucky Bar Association has eliminated this feature, as well as other parts of the model act. The Kentucky bill is based on the theory that the bar is part of the body politic, the members of which perform certain functions as officers of the courts, and as quasi officers of the state. This meets the objections which have been raised to

the creation of a corporation by a special act or to the delegation by the state to the corporation of such powers as the act confers.

The committee which prepared the bill has likewise felt that, for the present, no attempt should be made to change the requirements for admission to practice, or even to embody the power to do so in this law, but to leave the statutes on that subject as they are. In other words, the measure is conservative and not radical; it is not intended to work a revolution in the practice nor to detract in any way from the existing power of the courts. On the contrary, while the act provides for a governing board, or commission, which is given power to make rules and regulations governing the professional conduct of all members of the bar, with the right to investigate and pass upon all complaints which may be made concerning such matters, there is clear and ample provision made for appeal to the courts from the findings of the board. The method of procedure in reviewing the action of the board is also carefully outlined.

It has been suggested that the compulsory provision of the bill, whereby all lawyers are made members of the organization upon being admitted to practice and upon payment of the required license fee, may make it objectionable. This feature, however, is regarded as being indispensable to the success of the plan, and, where the right of appeal to the courts is conferred without restriction, nor rights of a lawyer are denied. In a purely voluntary association, such as those which have heretofore existed in the states, the disciplinary power and machinery to exercise it can not be secured.

A few persons have also urged that such legislation is designed to aid corporation lawyers or the so-called aristocrats of the bar at the expense of the smaller fellows, the country practitioners, etc. The committee in charge of the bill has replied that "this was just the opposite of the stand taken in New York by certain eminent lawyers, who voiced opposition to the Gibbs Bill for bar organization when introduced in the legislature of that state because it was claimed that it would give too much power to the shysters' and foreigners practicing at the bar.

"A little consideration will show that such a ground of complaint is not good as against the proposed Kentucky bill. It is thoroughly democratic both in its principles and its objects.

No one, be he great or small, receives any undue advantage under its terms. It affords each lawyer in the state, no matter how humble he may be, if he has only two dollars to pay his annual license fee, a chance to nominate and vote for the governing board, which is to administer its business.

“Nor will he have to go to a meeting, entailing the expenditure of time and money, in order to cast his vote. And when the governing board is chosen, each section of the state will have equal representation upon it. This will preserve to every lawyer, whether he be an attorney for a large and wealthy corporation, or representing a poor client unable to pay a retainer, an equal opportunity to pass upon every matter which is brought before the organization or its board.

“‘In an age of organization,’ the question is asked, ‘when organization is the key-note of American life, and everything is organized—organized power, organized influence, organized capital, organized labor—where does the bar stand?’ Will the lawyers of this state and of other states continue to manage their affairs in the way they have been doing, or will they persist in the efforts which are being made to place themselves in a position where they can render the service which is expected of them?’”